

HOUSE BILL 373

N1, G1

5lr0870

By: **Delegates Tarlau, Angel, Carr, Dumais, Fennell, Glenn, Gutierrez, Jalisi, Kelly, Korman, Lam, Luedtke, McCray, Moon, Pena-Melnyk, Platt, S. Robinson, Rosenberg, Smith, Sydnor, Waldstreicher, A. Washington, and P. Young**

Introduced and read first time: February 6, 2015

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Candidates and Campaign Volunteers – Access to Private**
3 **Residential Areas**

4 FOR the purpose of prohibiting a person from preventing a candidate or any campaign
5 volunteer accompanying a candidate from accessing certain private residential areas
6 for certain purposes, except under certain circumstances; authorizing a person to
7 impose certain limitations on the ability of a candidate or a campaign volunteer to
8 access a private residential area; authorizing a local jurisdiction to enact a local law
9 to impose a certain civil penalty for a violation of this Act; defining certain terms;
10 and generally relating to visits by candidates and campaign volunteers to private
11 residential areas.

12 BY repealing and reenacting, without amendments,
13 Article – Election Law
14 Section 1–101(a), (k), and (l)
15 Annotated Code of Maryland
16 (2010 Replacement Volume and 2014 Supplement)

17 BY adding to
18 Article – Real Property
19 Section 14–133
20 Annotated Code of Maryland
21 (2010 Replacement Volume and 2014 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23 That the Laws of Maryland read as follows:

24 **Article – Election Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 1–101.

2 (a) In this article the following words have the meanings indicated unless a
3 different meaning is clearly intended from the context.

4 (k) (1) “Campaign material” means any material that:

5 (i) contains text, graphics, or other images;

6 (ii) relates to a candidate, a prospective candidate, or the approval
7 or rejection of a question; and

8 (iii) is published or distributed.

9 (2) “Campaign material” includes:

10 (i) material transmitted by or appearing on the Internet or other
11 electronic medium; and

12 (ii) an oral commercial campaign advertisement.

13 (l) (1) “Candidate” means an individual who files a certificate of candidacy for
14 a public or party office.

15 (2) “Candidate” includes:

16 (i) an incumbent judge of the Court of Appeals or Court of Special
17 Appeals at an election for continuance in office; and

18 (ii) an individual, prior to that individual filing a certificate of
19 candidacy, if a campaign finance entity has been established on behalf of that individual.

20 Article – Real Property

21 14–133.

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

24 (2) “CAMPAIGN MATERIAL” HAS THE MEANING STATED IN § 1–101 OF
25 THE ELECTION LAW ARTICLE.

26 (3) “CANDIDATE” HAS THE MEANING STATED IN § 1–101 OF THE
27 ELECTION LAW ARTICLE.

1 **(4) (I) “PRIVATE RESIDENTIAL AREA” MEANS:**

2 **1. A PRIVATE ROAD ON WHICH TWO OR MORE DWELLING**
3 **UNITS ARE LOCATED; OR**

4 **2. A BUILDING CONTAINING TWO OR MORE DWELLING**
5 **UNITS THAT IS NOT GENERALLY OPEN TO THE PUBLIC.**

6 **(II) “PRIVATE RESIDENTIAL AREA” INCLUDES:**

7 **1. AN APARTMENT BUILDING;**

8 **2. AN ASSISTED LIVING FACILITY;**

9 **3. A COMMON OWNERSHIP COMMUNITY;**

10 **4. A MOBILE HOME PARK;**

11 **5. A NURSING HOME; AND**

12 **6. A SCHOOL DORMITORY.**

13 **(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON**
14 **MAY NOT PREVENT A CANDIDATE OR ANY CAMPAIGN VOLUNTEER ACCOMPANYING A**
15 **CANDIDATE FROM ACCESSING A PRIVATE RESIDENTIAL AREA FOR THE PURPOSE OF:**

16 **(1) CAMPAIGNING FOR ELECTED OFFICE;**

17 **(2) REGISTERING VOTERS; OR**

18 **(3) DISTRIBUTING CAMPAIGN MATERIALS.**

19 **(C) A PERSON MAY:**

20 **(1) DENY A CANDIDATE OR A CAMPAIGN VOLUNTEER ENTRY TO A**
21 **PRIVATE RESIDENTIAL AREA, IF THE PRIVATE RESIDENTIAL AREA IS NOT WITHIN**
22 **THE ELECTION DISTRICT OR PRECINCT SERVED BY THE OFFICE FOR WHICH THE**
23 **CANDIDATE IS CAMPAIGNING;**

24 **(2) DENY A CANDIDATE OR A CAMPAIGN VOLUNTEER ENTRY TO A**
25 **PARTICULAR ROOM OR INDIVIDUAL DWELLING UNIT WITHIN A PRIVATE**
26 **RESIDENTIAL AREA;**

1 **(3) REQUIRE A CANDIDATE OR CAMPAIGN VOLUNTEER TO PRESENT**
2 **VALID IDENTIFICATION AS A PREREQUISITE TO ACCESSING A PRIVATE RESIDENTIAL**
3 **AREA;**

4 **(4) REQUIRE A PRIOR APPOINTMENT BY A CANDIDATE OR A**
5 **CAMPAIGN VOLUNTEER TO GAIN ACCESS TO A PRIVATE RESIDENTIAL AREA;**

6 **(5) DENY A CANDIDATE OR A CAMPAIGN VOLUNTEER PERMISSION TO**
7 **VISIT CERTAIN RESIDENTS OF A NURSING HOME OR ASSISTED LIVING FACILITY FOR**
8 **VALID HEALTH REASONS;**

9 **(6) DENY ACCESS TO OR EXPEL A CANDIDATE OR A CAMPAIGN**
10 **VOLUNTEER FROM A PRIVATE RESIDENTIAL AREA FOR GOOD CAUSE; OR**

11 **(7) IMPOSE REASONABLE LIMITATIONS ON:**

12 **(I) THE TIMES WHEN A CANDIDATE MAY VISIT A PRIVATE**
13 **RESIDENTIAL AREA;**

14 **(II) THE NUMBER OF CAMPAIGN VOLUNTEERS THAT MAY**
15 **ACCOMPANY A CANDIDATE DURING A VISIT TO A PRIVATE RESIDENTIAL AREA; OR**

16 **(III) THE ORDERLY DISTRIBUTION OF CAMPAIGN MATERIALS**
17 **WITHIN A PRIVATE RESIDENTIAL AREA.**

18 **(D) A LOCAL JURISDICTION MAY ENACT A LOCAL LAW THAT IMPOSES A**
19 **CIVIL PENALTY FOR A VIOLATION OF THIS SECTION IN AN AMOUNT NOT EXCEEDING**
20 **\$1,000.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2015.